

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 4 and 8 have been amended to overcome the §112 rejections. Amended claim 4 stands allowed.

Claims 5, 6, 8 and 9 have been amended and remain under consideration. Favorable consideration of these claims is requested for the following reasons.

The novel feature set forth in all of the claims is the provision of a recess in the back of an acoustic guitar, the recess being shaped and located to receive the breast of a female instrumentalist. As pointed out in the background of the invention, it is difficult for a female to play a conventional acoustic guitar because of the way it is pressed against the breast. Women often cannot practice as long as desired because of the pain which results. Other problems caused by conventional guitars include improper posture and the inability to sing properly, etc.

The Thurman patent does not address the problem solved by the present invention. The holes 30, 32 referred to by the Examiner are sound holes that will not accommodate the breast of a female user. Further, the sound holes 30, 32 are in the sound board or front of the guitar and not the back, as erroneously asserted by the Examiner.

Figure 3 of Thurman shows sound holes 130, 132 in the back of the guitar, but these holes are not shaped and located to receive the breast of a user. The holes 130, 132 are in the end of the guitar next to the neck. The holes do not extend from the upper right hand bout to the lower right hand bout when the guitar is held in playing position. It would be physically impossible for

a female to fit her breast into either of the sound holes 130, 132.

The Examiner has misinterpreted the Little patent. This patent relates to an electric guitar and does not present the problems addressed and solved by the present invention. An electric guitar is normally held lower on the body adjacent the abdomen rather than against the chest as is an acoustic guitar. There is no need for a breast receiving recess in the back of an electric guitar.

The rejection of claims 5, 6 and 8 on Little is untenable and is strongly traversed.

With respect to claim 5, Fig. 4 and column 4, lines 8-9 of Little discloses only that the back of the electric guitar is concave to accommodate the players body. Contrary to the Examiner's statement, this is not a disclosure of providing an opening for receiving the breast of a player. Neither Fig. 4 nor the specification discloses any opening at all. Moreover, as pointed out above, there is no need for such an opening in the electric guitar of Little. The Examiner's further statement that it would be obvious to "cut out a part of said opening" (which is non-existent) and then reinsert it without changes does not have any meaning. The claimed method involves forming an insert shaped to accommodate a female breast and mounting it to receive the breast when the guitar is held in playing position. There is much more than "cutting out an opening and reinserting it." The Examiner has interpreted Little in light of applicant's own disclosure rather than in view of anything taught by the patent.

Claim 6 is patentable over Little for the same reasons pointed out in connection with claim 5. In addition, Little does not disclose the concept of customizing an insert to fit the specific breast size of a female instrumentalist. This limitation is based on the Examiner's reason for allowing claim 4.

Claim 8 is patentable over Little for the same reasons argued above in connection with

claim 5. In addition, claim 8 has been amended to locate the recess member between the upper and lower right hand bouts of the acoustic guitar when held in a playing position. This location is disclosed in the specification, page 3, lines 15-18, and page 4, lines 10-13, and in the drawings. Little does not disclose a recess member at all and certainly not one between upper and lower right hand bouts.

Reconsideration and withdrawal of the rejection of claim 9 as being anticipated by Thurman is requested. As pointed out above, the holes 30, 32 are in the front of the guitar and not in the back. The holes 130, 132 are sound holes located at the end of the guitar next to the neck and are not of a size and at a location to receive the breast of a female player. It would be physically impossible for a female to fit a breast into any of the sound holes shown by Thurman. Further, the sound holes do not extend from the upper right hand bout to the lower right hand bout when the guitar is held in playing position against the chest, as claimed in claim 9.

Favorable reconsideration and allowance of this application is requested.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 36085US1.

Respectfully submitted,

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